

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	0

### MR. SPEAKER:

*Your Committee on Judiciary, to which was referred Senate Bill 233, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1       Page 1, between the enacting clause and line 1, begin a new  
 2       paragraph and insert:  
 3       "SECTION 1. IC 35-42-2-6, AS AMENDED BY P.L.88-2002,  
 4       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5       JULY 1, 2004]: Sec. 6. (a) As used in this section, "corrections officer"  
 6       includes a person employed by:  
 7               (1) the department of correction;  
 8               (2) a law enforcement agency; ~~or~~  
 9               (3) a county jail; **or**  
 10              **(4) a circuit, superior, county, probate, city, or town court.**  
 11       (b) As used in this section, "human immunodeficiency virus (HIV)"  
 12       includes acquired immune deficiency syndrome (AIDS) and AIDS  
 13       related complex.

1 (c) A person who knowingly or intentionally in a rude, insolent, or  
2 angry manner places blood or another body fluid or waste on a law  
3 enforcement officer or a corrections officer identified as such and while  
4 engaged in the performance of official duties or coerces another person  
5 to place blood or another body fluid or waste on the law enforcement  
6 officer or corrections officer commits battery by body waste, a Class  
7 D felony. However, the offense is:

8 (1) a Class C felony if the person knew or recklessly failed to  
9 know that the blood, bodily fluid, or waste was infected with:

10 (A) hepatitis B;

11 (B) HIV; or

12 (C) tuberculosis;

13 (2) a Class B felony if:

14 (A) the person knew or recklessly failed to know that the  
15 blood, bodily fluid, or waste was infected with hepatitis B and  
16 the offense results in the transmission of hepatitis B to the  
17 other person; or

18 (B) the person knew or recklessly failed to know that the  
19 blood, bodily fluid, or waste was infected with tuberculosis  
20 and the offense results in the transmission of tuberculosis to  
21 the other person; and

22 (3) a Class A felony if:

23 (A) the person knew or recklessly failed to know that the  
24 blood, bodily fluid, or waste was infected with HIV; and

25 (B) the offense results in the transmission of HIV to the other  
26 person.

27 (d) A person who knowingly or intentionally in a rude, an insolent,  
28 or an angry manner places human blood, semen, urine, or fecal waste  
29 on another person commits battery by body waste, a Class A  
30 misdemeanor. However, the offense is:

31 (1) a Class D felony if the person knew or recklessly failed to  
32 know that the blood, semen, urine, or fecal waste was infected  
33 with:

34 (A) hepatitis B;

35 (B) HIV; or

36 (C) tuberculosis;

37 (2) a Class C felony if:

- 1 (A) the person knew or recklessly failed to know that the  
 2 blood, semen, urine, or fecal waste was infected with hepatitis  
 3 B and the offense results in the transmission of hepatitis B to  
 4 the other person; or  
 5 (B) the person knew or recklessly failed to know that the  
 6 blood, semen, urine, or fecal waste was infected with  
 7 tuberculosis and the offense results in the transmission of  
 8 tuberculosis to the other person; and  
 9 (3) a Class B felony if:  
 10 (A) the person knew or recklessly failed to know that the  
 11 blood, semen, urine, or fecal waste was infected with HIV; and  
 12 (B) the offense results in the transmission of HIV to the other  
 13 person.".

14 Renumber all SECTIONS consecutively.

(Reference is to SB 233 as printed January 16, 2004.)

**and when so amended that said bill do pass.**

Representative Lawson L